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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,475	02/05/2004	David E. Conrey	91245.000002	4976
23387	7590	09/21/2005		
Stephen B. Salai, Esq. Harter, Secrest & Emery LLP 1600 Bausch & Lomb Place Rochester, NY 14604-2711			EXAMINER LE, KHANH H	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/772,475

Applicant(s)

CONREY, DAVID E.

Examiner

Khanh H. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 05 February 2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4).

Figure 1 shows the external gasket as 16. Therefore, the gasket in figure 2 should be labeling as 16 and not 24. Gasket 16 is the only exterior gasket that is described as being split.

Reference numbers 30 and 40 have both been used to designate an electrical plug. The electrical plug in figure 4 should be labeling as 40 since figures 1 and 5 show the electrical plug as 40.

In figure 5, reference number 18 has been used to designate both the socket and internal washer.

2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the "electrical connection 23" in figure 3 as described in the paragraph [0031] of the specification. Reference 22 should be change to 23.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the adjustable coupling in claim 11 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate

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prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

4. The disclosure is objected to because of the following informalities:
5. Paragraph [0026] introduces "an external gasket" but the external gasket was unnumbered.
6. Paragraph [0027], "Figure 2 is a side elevation of the gasket"; "the gasket" should be numbered since the drawing was numbered.
7. Paragraph [0029] introduces "an internal pressure plate" but the internal pressure plated was unnumbered.
8. Paragraphs [0031] and [0034] refer to reference number 20 as a threaded electrical connection and as an interior gasket.

9. Paragraph [0033] discloses "an internal rubber washer" but the internal rubber washer was not numbered and "surface 22" is not shown in figure 5.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

10. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 contradicts claim 1. Claim 1 requires that the light be "attached" to the end of the hollow tube. How can the coupling then be between the light and the end?

***Claim Rejections - 35 USC § 102***

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 1- 9 and 12-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Cutts (US Patent No. 6,196,706 B1).

13. With respect to claim 1, Cutts discloses a light having a hollow tubular support (Fig. 11, item 286) extending through a sidewall (264). A first pressure plate (unnumbered, the flat surface on the tubular support side of the light bulb socket (284)) is attached to the support and engages an inside wall of the light assembly. A second

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adjustable pressure plate (unnumbered, the flat surface on the tubular support side of the nut (202)) is attached to the support and engages an outside wall of the glowing light assembly. A light bulb (200) is attached to an end of the hollow tubular support within the light assembly. An electrical wire (296) extending from the light within the light assembly, through the hollow tubular support and extending beyond the support and attached to a source of electrical energy compatible with the light bulb. The "pumpkin" is not positively claimed, is seen to be an intended use, and therefore has not been accorded any patentable weight.

14. With respect to claim 2, Cutts discloses the tubular support (286) is a threaded tube (Fig. 11 and Col. 4, line 62).

15. With respect to claim 3, Cutts discloses the second adjustable pressure plate comprises a washer (292) and a nut (202) threaded on the tube.

16. With respect to claim 4, Cutts discloses the light having a light socket (284) and a light source (200) mounted in the socket.

17. With respect to claim 5, Cutts discloses the first pressure plate (unnumbered) is integral with the light socket (284).

18. With respect to claim 6, Cutts discloses the second adjustable pressure plate having a flexible washer (semi-rigid washer, 292).

19. With respect to claim 7, Cutts discloses the hollow tubular support (286) is a threaded tube and having a nut (202) threaded on the tube and engaging the flexible washer (292).

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20. With respect to claim 8, Cutts discloses the light having an electrical connector connected to the wire (Col. 5, line 9).
21. With respect to claim 9, Cutts discloses the first pressure plate having a flexible washer (compression washer, 290).
22. With respect to claim 12, Cutts discloses a light having a hollow light support (286) substantially rigidly attached to a wall of the light assembly. A light socket (284) attached to the light support. A light bulb (200) in a light socket. An electrical wire (296) connects the socket (284) and leads through the support from inside the light assembly to a power source outside the light assembly.
23. With respect to claim 13, Cutts discloses a light assembly having the first pressure plate (288) and the second pressure plate (292) on the support (286) engaging the inside and outside surfaces of the light assembly.
24. With respect to claim 14, Cutts discloses the pressure plates are flexible (semi-rigid pressure plate).
25. With respect to claim 15, Cutts discloses the light support is a threaded tube (threaded base portion, 286).
26. With respect to claim 16, Cutts disclose the light assembly having at least one nut (202) on the tube (286) for urging the pressure plates together to secure the light support to the light assembly.

***Claim Rejections - 35 USC § 103***

27. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

28. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cutts (US Patent No. 6,196,706 B1) in view of Herbeck (US Patent No. 1,247,462).

29. With respect to claim 10, Cutts teaches the washer for the light made from semi-rigid material but did not teach the washer has a split.

Herbeck teaches a washer (24) in a table lamp having a slot (29) as a passage to permit the wire to slide easily into the central opening (28) of the washer (Page 1, lines 68-80).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to add the slot feature of Herbeck's washer to the semi-rigid washer of Cutts so that Cutts' semi-rigid washer can be easily mounted on the light assembly.

30. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cutts (US Patent No. 6,196,706 B1) in view of Hill (US Patent No. 6,250,768 B1).

31. With respect to claim 11, Cutts teaches the light having a light socket (284) mounted on one end of the support (286) but does not teach that the socket is adjustable with respect to the support.



Hill teaches a lighting apparatus having an adjustable light (Fig. 3, item 70) mounted on the end of a hollow tubular support so that the light beam can be aimed at the position of choice (Col.6, lines 8-12).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the light socket of Cutts with the adjustable light of Hill so that the light beam of Cutts can be aimed at the position of choice.

### ***Conclusion***

32. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sharpe shows a method of mounting one device to another by using washer and nut. Rogers shows a light bulb socket mounted on a light assembly with the electrical wires inside a hollow tube. Palsson shows a seal used to prevent moisture from getting inside the light socket.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh H. Le whose telephone number is (571) 272-8325. The examiner can normally be reached on Monday - Friday, 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee Luebke can be reached on (571) 272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Khanh H. Le  
Examiner  
Art Unit 2875

KHL



RENEE LUEBKE  
PRIMARY EXAMINER